

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

---

LEIGH A. HARLEY,

Plaintiff,

vs.

Civ. No. 97-868 MV/WWD

STAFFING RESOURCES, INC.,  
RESOURCES MFG., and PRO DRIVERS, INC.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

THIS MATTER comes before the Court following my *in camera* inspection of plaintiff's medical records submitted by the records custodian of Lovelace Health Systems. See Mem.Op.& Ord. entered Apr. 17, 1998. In this sexual harassment lawsuit, plaintiff includes a claim of intentional infliction of emotional distress. I have examined the medical file with a view toward balancing intrusion into private matters with a liberal federal discovery standard, Hickman v. Taylor, 329 U.S. 495, 507 (discovery request entitled to "broad and liberal treatment" to which it was entitled); cmp. Maldonado v. St. Croix Discount, Inc., 77 F.R.D. 501 (D.C.V.I. 1978) (where medical condition is central legal and factual issue, medical records disclosed to defendant even though segments of plaintiff's history may ultimately prove to be of no significance).

Given the present state of the record, I have determined that defendant is entitled to copies of that portion of plaintiff's Lovelace Health System medical records relating to her admission to Lovelace from December 20 - 22, 1996, including the admission history and physical as well as treatment and discharge notes. Further, these records shall be treated as confidential, shall be

used only for the purposes of this action, shall not be disclosed to third parties, shall remain in the sole control of counsel for defendant, and shall be returned to the records custodian or plaintiff within thirty days of settlement or final judgment of this action. See Pansy v. Borough of Stroudsburg et al., 23 F.3d 772, 787 (3d Cir. 1994) (courts have great deal of flexibility in issuing protective orders to minimize the negative consequences of disclosure)

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE